

## **REMARKS**

### **Amendments**

#### ***Amendments to the Claims***

Applicants have amended independent claims 11, 12, 23, 30 and 34-36. Claim 37 has been added. No new matter has been added as a result of these amendments.

### **Rejections**

#### ***Rejections under 35 U.S.C. § 112***

Claims 11, 12 and 23 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants submit that claims 11, 12 and 23 have been amended to contain sufficient antecedent basis. Accordingly, Applicants respectfully submit that claims 11, 12, and 23 are no longer in indefinite under 35 U.S.C. § 112 and respectfully request the withdrawal of the rejection of the claims.

#### ***Rejections under 35 U.S.C. § 103(a)***

Claims 11, 12, 14, 16, 23, and 30-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,213,247 to Wilner et al. (hereinafter “Wilner”) in view of Powell et al. (“Process migration in Demos/MP”, hereinafter “Powell”). Applicants respectfully request withdrawal of these rejections because the combination of cited references fails to disclose all of the limitations of the claims.

Wilner is directed to a protection domain system implemented to provide protection for applications executing in a computing environment having one processor. The Office Action recognizes that Wilner does not teach a system that includes a plurality of processors. Accordingly, it follows that the Wilner does not teach scheduling tasks using scheduling domains on a processor (of the plurality of processors) independent of an identity of the processor, as recited in claim 11.

Powell is directed to process migration in a multiprocessor system. Powell teaches that a process may be relocated from the processor on which it is executing (the source processor) to another processor (the destination processor) in the system. Such process migration is done to improve system performance. For example, Powell teaches that moving a process closer to the resource it is using most heavily will reduce system-wide communication traffic and that moving a process from a processor that has crashed to a working processor improves prevents system failure. Thus, Powell teaches migrating processes between processors based on the location or other specific attributes of the processor. Accordingly, Powell discloses that scheduling tasks on a processor is dependent on the identity of the processor.

In contrast, claim 11 recites “scheduling the plurality of tasks using a plurality of scheduling domains by scheduling tasks on a processor independent of an identity of the processor.” For the reasons stated above, Wilner and Powell, either alone or in combination, fail to teach or suggest all of the limitations of the claim. Accordingly, Applicants request that the rejection of claim 11 under 35 U.S.C. § 103(a) be withdrawn.

Independent claims 12, 23, 30, and 34-36 recite similar limitations to those in claim 11 discussed above and other limitations. Therefore, claims 12, 23, 30, and 34-36 are also patentable over the cited art for similar reasons. Given that claims 14, 16 and 31-33 directly or indirectly depend from one of the above independent claims, at least for reasons similar to those discussed above, it is respectfully submitted that dependent claims 14, 16 and 31-33 are patentable over the cited references. Accordingly, Applicants respectfully request reconsideration in view of these remarks.

### ***New Claim***

Applicants have added new independent claim 37. Claim 37 contains limitations similar to those discussed above regarding claim 1. Therefore, at least for reasons similar to those discussed above, Applicants submit that the invention claimed in claim 37 is patentable.

### SUMMARY

Claims 11, 12, 14, 16, 23 and 30-37 are currently pending. In view of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance. Applicants respectfully request reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Sue Holloway at (408) 720-8300 x3476.

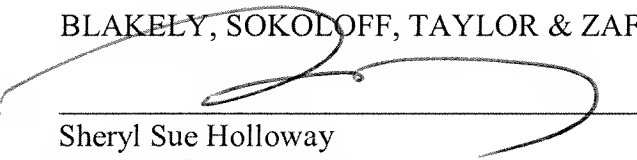
### ***Deposit Account Authorization***

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such extension.

Respectfully submitted,

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Dated: June 20, 2008



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